

Thompson v. Abbott Labs., et al., Docket No. 03
CV 11286

x

: Judge Patti B. Saris

Counsel for plaintiffs and defendants in the above-captioned actions respectfully move this Court for the entry of a proposed Scheduling Order (attached hereto as Exhibit A). Plaintiffs in the above-captioned actions have each moved this Court to remand these actions to the state courts where they were originally filed. Since these motions raise similar complex legal issues relating to federal jurisdiction, defendants propose to file a consolidated opposition to these motions. In addition, in the interest of judicial efficiency, the parties propose that these motions be scheduled for a hearing on October 9, 2003, the same date that the Court has scheduled a hearing on a similar motion to remand filed in *Swanston v. TAP Pharmaceutical Products, Inc.* Accordingly, the parties jointly request that the Court enter the proposed Scheduling Order.

Respectfully Submitted,

ON BEHALF OF PLAINTIFFS

By: 

DATED: August 12, 2003

Thomas Sobol, Esq. (BBO # 471770)
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Attorneys for Plaintiffs Rice and Thompson

ON BEHALF OF DEFENDANTS

By: 

DATED: August 12, 2003

Nicholas C. Theodorou, Esq. (BBO# 496730)
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450 Lexington Avenue
New York, NY 10017

Attorneys for Defendant AstraZeneca Pharmaceuticals LP

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO:

*Congress of California Seniors v. Abbott Labs.,
et al.*, Docket No. 03 CV 10216

Rice v. Abbott Labs., et al., Docket No. 03 CV
11285

Thompson v. Abbott Labs., et al., Docket No. 03
CV 11286
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MDL NO. 1456

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Master File No. 01-CV-12257-PBS

:
Judge Patti B. Saris

SCHEDULING ORDER

IT IS HEREBY ORDERED as follows:

1. Defendants shall file and serve a consolidated opposition to plaintiffs' remand motions by September 5, 2003. Defendants' consolidated opposition shall not exceed 30 pages.
2. Plaintiffs shall file and serve a consolidated reply, if any, by September 15, 2003. Plaintiffs' consolidated reply shall not exceed 20 pages.
3. Defendants shall file and serve a consolidated sur-reply, if any, by September 22, 2003. Defendants consolidated sur-reply shall not exceed 15 pages.
7. The Court shall hold a hearing on these motions on October 9, 2003, or such other date as the Court deems appropriate.

Dated: August __, 2003

Patti B. Saris
United States District Judge

MASSACHUSETTS DISTRICT COURT
08/12/03 12:47 PM
Patti B. Saris

CERTIFICATE OF SERVICE

I certify that on August 12, 2003, a true and correct copy of the foregoing Joint Motion for Entry of Scheduling Order was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

Lucy Fowler

Lucy Fowler



**FOLEY
HOAG** LLP
ATTORNEYS AT LAW

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U.S. DISTRICT COURT
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U.S. DISTRICT COURT
BOSTON
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August 12, 2003

Lucy Fowler
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By Hand

Clerk's Office, Civil
U.S. District Court for the District of Massachusetts
One Courthouse Way
Boston, MA 02210

Re: In Re Pharmaceutical Industry Average Wholesale Price Litigation, No.
01-CV-12257-PBS

Dear Sir or Madam:

Enclosed for filing in the above-entitled matter please find:

1. Joint Motion for Entry of Scheduling Order; and
2. Notice of Appearance of Lucy Fowler.

Please date-stamp the enclosed copies of this document and return them to our courier.

Thank you for your assistance.

Sincerely yours,

Lucy Fowler

LF:gm

cc: All Parties (by electronic service)

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